

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS**

DIVISION: Lufkin

§ DATE: 10/15/10

JUDGE: RON CLARK

§

§ REPORTER: CHRIS BICKHAM

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Affinity Labs of Texas, LLC

§ CIVIL NO.: 9:08CV164

*PLAINTIFF*

§

§

BMW North America, LLC, et al

§

*DEFENDANT*

§ C/R DEPUTY: Faith Ann Laurents

Attorneys for Plaintiff: Tom Sankey, Woody Jameson, Matt Gaudet, Jordan Fowles, Brian McQuillen David DotsonAttorneys for Defendant: Mark Hannemann, Ruben Munoz, Amanda Johnson, Jin Park, Joe Ficocello, Darren Dacus, Michael Lennon, Steve Zager, Thad Heartfield, Georg Reitbock, Elizabeth Tse, Susan Smith, Neil Duchez

THIS DAY CAME THE PARTIES BY THEIR ATTORNEYS AND THE FOLLOWING

PROCEEDINGS WERE HAD: 9:00 am Final Pretrial Conference began. Counsel made announcements.Court discussed Plt's Motion to Reconsider (#501). Court reserved ruling. Court heard arguments onMotion in Limine (Doc #461). 10:10 am Court recessed. 10:25 Court resumed. Arguments continued.Court heard arguments on Motions in Limine (Docs #456 and #459). Court Granted in Part and Denied inPart all three Motions in Limine (Docs #461, #456, #459 for reasons stated on the record. Court heardobjections to exhibits (Docs #481, #485). Court made rulings on the record. 12:10 pm Court recessed. 1:00pm Court resumed. Court heard objections to exhibits (Doc #487) and made rulings on the record. Thefollowing motions were ruled upon for reasons stated on the record. Motions for Summary Judgment (Doc#401 and #402) both Denied as Moot. Motion in Limine (Doc#455) Denied as Moot. Motion to EnterJuror Questionnaire (Doc#466) Denied as Moot. Voir Dire: Plt = 15 mins, Dft= 8 mins ea. Seat 10 jurors.Plt has 4 strikes, Dft has 4 strike jointly. Opening Statement: Plt=50 mins, Dft = 25 mins each. Court andcounsel discussed juror notebooks. 1:50 pm Court adjourned.

DAVID J. MALAND, CLERK

/s/ Faith Ann Laurents

Deputy Clerk

TOTAL TIME: 3 hrs. 50 mins.☐ See Addt'l. Proceedings